

REMARKS

In the final Office Action mailed August 3, 2005, claim 1 was objected to because of the informalities noted in numbered paragraph 2 of the Office Action. Appropriate correction was required, and by the foregoing proposed amendments to claim 1, the Examiner will please note that these informalities have all been addressed and corrected.

Also in the final Office Action mailed August 3, 2005, claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dubanchet in view of Christensen et al. For the reasons that follow, Applicant respectfully requests reconsideration of this ground for rejecting claims 1-3.

As the Examiner noted, Applicant did file arguments in his Amendment After Office Action Mailed January 19, 2005 that distinguished the claims of the present application over this very ground of prior art rejection, and to further rebut this ground of rejection Applicant tendered his Rule 1.132 Declaration to distinguish further the claims of the present application, as then amended, over these same prior art references. It is troubling to Applicant that the Examiner stated in the final Office Action mailed August 3, 2005, that he found the Applicant's arguments in the Rule 1.132 Declaration to be not persuasive. More troubling, however, is the fact that in the very next sentence the Examiner said, "Although Applicant may use a lower temperature than Dubanchet when mixing the meat with the olive oil, it is expected that the antioxidant benefits of olive oil would be preserved at lower temperatures." This strongly suggests to Applicant that the Examiner has missed the very gist of the Applicant's invention. Applicant does use a much lower processing temperature than that used in Dubanchet for two very good and patentably noteworthy reasons. Only one of those reasons is to maintain the chemical properties of the liquid olive oil in its virgin state quite unlike the physical transformation of the


olive oil that occurs in following the teachings of the Dubanchet reference because of the fact that Dubanchet teaches heating liquid olive oil to a temperature of 100 degrees Centigrade to transform it physically into a solid. Secondly, the resulting products of the process of the present invention, which is carried out at low temperatures, produces a resultant product with excellent olive oil stability, thereby eliminating the appearance of de-oiling as is the case with the methods of the prior art, including that of Dubanchet. Applicant requests the Examiner to review again his Rule 1.132 Declaration, noting especially that the Applicant points out not only the lack of physical change in the liquid olive oil when used at low temperatures, as in the present invention, and the stability brought to the resultant end products by reason of the low temperature processing of the liquid olive oil, as compared to the classic techniques of the prior art, including that of Dubanchet, in which the physical transformation of the olive oil has led to final products that usually show the appearance of de-oiling.

The Examiner is also asked to note that the proposed Rule 116 amendments to claim 1 does not include the addition of the word liquid in front of olive oil, but Applicant argues nevertheless that liquid olive oil is inherently disclosed in the Applicant's specification, as the olive oil there described is being processed at a temperature of 4 degrees Centigrade, and inherently olive oil would be a liquid at 4 degrees Centigrade. In further support of this conclusion, Applicant is tendering herewith an Information Disclosure Statement by which he is bringing to the Examiner's attention a research paper published in the European Journal of Lipid Science and Technology in 2004 in which two things are shown. First, it is shown that the crystallization process of olive oil begins at -16 degrees Celsius but the crystallization temperature of olive oil is -40 degrees Celsius. This should prove beyond any doubt to the Examiner that olive oil at 2 degrees Celsius is a liquid and therefore the phrase olive oil as used

in the specification of the present application refers to liquid olive oil. Secondly this research paper proves that upon heating the chemistry of olive oil changes in a detrimental way, changing its chemical content and its flavor. This should also point out to the Examiner the heating process in the Dubanchet reference does chemically alter the olive oil and degrades its taste. Thus someone following the Dubanchet references' teachings would alter the chemistry of the olive oil in a detrimental fashion upon heating the olive oil to 100 degrees Centigrade as taught by the Dubanchet reference, all in aid of unnaturally turning the liquid olive oil into a solid.

For these foregoing reasons, Applicant respectfully requests entry of the foregoing claim amendments, and then a favorable reconsideration of the present application in light thereof. Applicant also wishes to express his deep disappointment in the fact that the Examiner chose to make the Office Action mailed August 3, 2005 a final Office Action given that it was the first Office Action issued after Applicant's Request for Continued Examination, accompanied by a Rule 1.132 Declaration, and which was filed at great expenses. Applicant would request the Examiner to favorably reconsider the present application in light of those facts.

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